

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF:

LAKEWOOD HILLS DAM

**IOWA NATURAL RESOURCES
COUNCIL ORDER NO. 80-165**

**ADMINISTRATIVE ORDER
NO. 2007-FP-01**

**TO: Owners of Lots 6 through 14, Ridges
7th Addition, City of Cedar Falls, Iowa,
on the attached mailing list.**

I. SUMMARY

This Administrative Order (Order) is issued to correct the regulatory flood elevation as required in Iowa Natural Resources Council Order No. 80-165, condition 10.

Any questions or response regarding this Order should be directed to:

Relating to technical requirements:

Dave Allen
Iowa Department of Natural Resources
Wallace State Office Building
Des Moines, Iowa 50319-0034
Ph: 515/281-6930

Relating to legal requirements

Randy Clark, Attorney II
Iowa Department of Natural Resources
Wallace State Office Building
Des Moines, Iowa 50319-0034
Ph: 515/281-8891

II. JURISDICTION

This Order is issued pursuant to the provisions of Iowa Code subsection 455B.279(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division III, Part 4, and the rules adopted or permits issued pursuant thereto.

III. STATEMENT OF FACTS

1. On July 1, 1980, the Iowa Natural Resources Council, a statutory predecessor to the Department's flood plain management authority, issued Council Order No. 80-165

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approving proposed modifications to the Lakewood Hills Dam. Condition number 10 of Council Order No. 80-165 requires that a Flood Plain Development Permit be secured from the Iowa Natural Resources Council to construct a house or other building and to place associated fill downstream of the Lakewood Hills Dam. That permit condition specified the top of dam elevation (890.0 feet, N.G.V.D.) as the defining elevation for which a Flood Plain Development Permit is required for downstream development.

2. On March 2 and 27, 2006, the Department received a report of hydraulic analysis by engineers for Dennis Weichers, Cedar Falls, Iowa detailing the effects of a dam failure flood of the Lakewood Hills Dam on the downstream property located between the dam and the downstream railroad grade. The purpose of the analysis was to better define the extent of flooding that could possibly occur in the event of a dam failure. Department staff have reviewed the submitted hydraulic analysis and have concluded that the regulatory flood elevation for the property located downstream of the Lakewood Hills Dam should be modified from the elevation mandated in Condition 10 of Council Order No. 80-165 to the lower elevations shown in the following table:

Lot Number	Regulatory Flood Elevation (NGVD)	Minimum Flood Protection Level (NGVD)
6	878.3	879.3
7	876.3	877.3
8	874.2	875.2
9	872.7	873.7
10	872.3	873.3
11	871.8	872.8
12	871.6	872.6
13	871.5	872.5
14	871.5	872.5

3. This Order will be filed with the Black Hawk County Recorder to provide constructive notice of this modification.

IV. CONCLUSIONS OF LAW

1. Iowa Code subsection 455B.275(3) requires that approval be obtained from the Department if a person desires to construct or maintain an obstruction or deposit on any floodway or flood plain as defined in Iowa Code section 455B.261. Pursuant to this subsection, the Department is authorized to approve flood plain projects, subject to terms and conditions it prescribes.

V. ORDER

THEREFORE, the regulatory flood elevation for the property located downstream of the Lakewood Hills Dam is hereby modified from the elevation required in Condition 10 of Council Order No. 80-165 to the elevations shown in the following table.

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Lot Number	Regulatory Flood Elevation (NGVD)	Minimum Flood Protection Level (NGVD)
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10	872.3	873.3
11	871.8	872.8
12	871.6	872.6
13	871.5	872.5
14	871.5	872.5

On the basis of this Order, a Flood Plain Development Permit from this Department is required to construct a house or other building and to place associated fill on any of the above mentioned lots if the natural ground elevation at the proposed building site is lower than the above-listed Regulatory Flood Elevation.

The Regulatory Flood Elevation for each lot is the threshold elevation at which it is necessary to secure a Flood Plain Development Permit from the Department in order to construct on the lot. If the lowest natural ground elevation immediately adjacent to the building site is at or above the Regulatory Flood Elevation a Flood Plain Development Permit is not required. A house built in this circumstance may have a basement and still not be required to obtain a Flood Plain Development Permit from the Department. A "basement" is defined as any fully enclosed area that has its lowest floor below adjacent grade on **all** sides.

If the lowest adjacent grade on a lot, including any excavation for a walkout basement, is lower than the above-listed Regulatory Flood Elevation a Flood Plain Development Permit from the Department is required. In this circumstance, the lowest floor of the house, including basement, could be no lower than the Minimum Flood Protection Level listed for each lot.

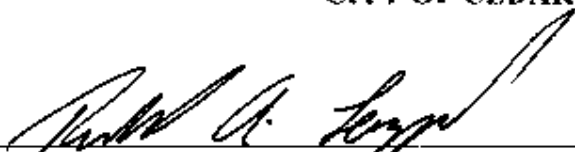
VI. APPEAL RIGHTS

Pursuant to Iowa Code subsection 455B.279(1) and 561 IAC 7.5(1), as adopted by reference by 567 IAC chapter 7, a written Notice of Appeal to the Environmental Protection Commission may be filed within 30 days of issuance of this Order. The Notice of Appeal should be filed with the Director of the Department, and must identify the specific portion or portions of this Order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC chapter 7.

VII. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.279.

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RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 30 day of
October, 2007.

Field Office 1; Randy Clark; Lori McDaniel; III.C

LAKEWOOD HILLS DAM

Addresses for Owners of Lots 6 through 14, Ridges 7th Addition, City of Cedar Falls

Lot 6: Thomas J. & Diane M. Kramer, 1022 Lakeview Dr., Cedar Falls, IA. 50613

Lot 7: Craig G. & Lori L. Larsen, 1110 Lakeview Dr., Cedar Falls, IA. 50613

Lot 8: Thomas S. & Stephanie B. Bardal, 1120 Lakeview Dr., Cedar Falls, IA. 50613

Lot 9: Shaun & Stacey Courbat, 1128 Lakeview Dr., Cedar Falls, IA. 50613

Lot 10 & S½ Lot 11: William J. & Lisa A. Bradford, 626 Eagle Ridge Rd., Cedar Falls,
IA. 50613

N½ Lot 11 & Lot 12: Hamid R. Amjadi & Michelle A. Buchan, 1226 Lakeview Dr.,
Cedar Falls, IA. 50613

Lot 13: Douglas E. & Denise A. Coen, 1230 Lakeview Dr., Cedar Falls, IA. 50613

Lot 14: Robin D. Courbat, 1234 Lakeview Dr., Cedar Falls, IA. 50613